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Cables Were Not Very Important, Spy Trial Is Told

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After a formal assessment, a State Department analyst determined that 63 cables allegedly stolen from the United States Information Agency and passed to Hanoi officials included little information of a sensitive nature, an FBI official testified yesterday.

Indeed, the analyst said the damage caused by the release of the cables would be "light," Donald W. Marsland testified at the trial of a Vietnamese expatriate and USIA civil servant accused of spying for the Communist Vietnamese.

Nevertheless, Marsland, chief of a counter intelligence unit in the FBI Washington field office, said that when an initial State Department assessment of the cables came up with the "light" damage assessment, the FBI asked for a second and then a third assessment. No one said what the second and third evaluations revealed.

Yesterday's testimony on the value of the cables occurred as defense attorneys for David Truong, the Vietnamese expatriate, and Ronald Humphrey, the USIA employee, attempted to hammer home one of the central points of their defense. This is that Truong and Humphrey are innocent of espionage charges because they dealt only in "diplomatic chit chat" and other harmless information.

The FBI was convinced otherwise, however.

"My impression was (State Department analyst James Rosenthal's) damage assessment was lower than expected," Marsland said.

Marsland testified that although the "light" damage assessment was made by the State Department's director for Vietnam, Laos and Cambodia, a middle echelon State Department official, pressure was being put on the FBI from the top of the State Department to conduct the second and third evaluations.

Mark Foster, an attorney for Humphrey, asked Marsland if he called the State Department after reviewing Rosenthal's analysis. "Yes," Marsland said.

"I told him I felt the Rosenthal evaluation was not consistent with pressure we were receiving from the State Department," Marsland replied. "I asked for a reevaluation to bring these discrepancies into line."

Foster then showed Marsland a memorandum written by a State Department official quoting Marsland about the "light" damage assessment. The memorandum said, "This kind of language can damage the prosecution."

Marsland testified that he did not recall making the statement.

"The thing I recall about this is that it's not consistent with what I'm being told Mr. (Warren M.) Christopher (deputy secretary of state) said of the penetration (extent of espionage.)"

The government has charged Humphrey with stealing the cables from the USIA and giving them to Truong who turned them over to an FBI informant. The informant testified earlier this week she delivered them to Communist officials in the Vietnamese embassy in Paris.

Both men are charged with espionage, acting as unregistered foreign agents as well as stealing classified documents.

The 63 cables that were the subject of yesterday's testimony before Judge Albert V. Bryan Jr. in U.S. District Court in Alexandria were allegedly given to an FBI informant by Truong in April 1977.

The 63 cables were the subject of the State Department's "light" damage assessment.

"If the damage assessment is accurate, this case isn't as important as you thought?" Michael E. Tigar, Truong's attorney, asked Marsland. "No, sir," Marsland replied.

Marsland had been called to testify that the documents involved in the case were valued at more than \$100, which is necessary for the men to be convicted of felony charges of stealing documents from the government.

As Marsland testified that the documents were worth \$100 to foreign agents, Foster, through a series of examples, tried to prove that they were not.

Foster said that a document reciting what the Thailand press said about activities on the Thai border—a paper listed in the indictment as "Secret"—was not valuable because the information was easily available and widely disseminated.

Foster asked Marsland about the value of another cable that discussed how Vietnamese relations with Russia and China are becoming worse.

"You mean if you can document what somebody already knows, it's valuable?" Foster asked. "Yes, I would pay over \$100 for this," Marsland said.

Later, under Foster's cross-examination, Marsland said that 14 full-time FBI agents and several others had worked on the espionage investigation.

"Would you say the time put into the case might influence the value (you would give to) documents in this case?" Foster asked. "No it would not," Marsland testified.

Defense attorneys have shown increasing sarcasm during the last two days of testimony in their attacks on the government evidence. They have been laughing and making jokes, causing laughter among the jurors and even from Judge Albert V. Bryan Jr., who is hearing the case. U.S. prosecutors appear more solemn.

In other testimony, Ray Harvey, a USIA employee, testified that about a year ago Humphrey asked to see classified documents on Vietnam. Humphrey said he needed the documents to complete a report that the USIA director ordered, Harvey said.

But USIA Director John E. Reinhardt testified that he never ordered Humphrey to conduct such a study.

Reinhardt ended his testimony by saying he could not recall any "top secret" documents passing through the USIA.

"I don't recall having seen a single one in the course of the 13 months I've been here."